Ethan Preston (263295) PRESTON LAW OFFICES 21001 North Tatum Boulevard, Suite 1630-430 Phoenix, Arizona 85050 (312) 492-4070 (telephone) (312) 262-1007 (facsimile) ep@eplaw.us Robert M. Bramson (102006) Michael S. Strimling (96135) BRAMSON, PLUTZIK, MAHLER & BIRKHAEUSER, LLP 2125 Oak Grove Road, Suite 120 Walnut Creek, California 94598 (925) 945-0200 (telephone) (925) 945-8792 (facsimile) rbramson@bramsonplutzik.com mstrimling@bramsonplutzik.com David C. Parisi (162248) Suzanne Havens Beckman (188814) 10 PARISI & HAVENS LLP 11 15233 Valleyheart Drive Sherman Oaks, California 91403 12 (818) 990-1299 (telephone) (818) 501-7852 (facsimile) dcparisi@parisihavens.com shavens@parisihavens.com 14 Attorneys for Plaintiffs 15 IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA 16 SAN FRANCISCO DIVISION 17 TIMOTHY and JEANNE DuFOUR and No. 09-03770-CRB 18 KENNETH TANNER, individuals, on their own behalves and on behalf of all Judge Charles R. Breyer 19 others similarly situated, STIPULATION REGARDING THE 20 Plaintiffs. **CURRENT BRIEFING SCHEDULE AND** <del>-[PROPOSED]</del>-ORDER 21 V. 22 BE., LLC, DYNAMIC SHOWCASES, LLC, California limited liability 23 companies, MONTEREY FINANCIAL SERVICES, INC., a California corporations, BE MARKETING 24 LIMITED, a private limited company 25 registered in England and Wales, ERIK DeSANDO, BARRY FALCK, JACOB 26 STEINBECK, and DOES 1-100, inclusive, 27 Defendants. 28

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## STIPULATION REGARDING THE CURRENT BRIEFING SCHEDULE

WHEREAS, the Court's last case management order states in relevant part: "Briefing schedule set for motion for summary judgment: Motion due by 10/01/2010. Response due by 10/22/2010. Reply due by 10/29/2010." (Dkt. No. 95).

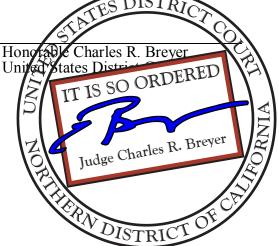
WHEREAS, a class certification hearing date has not yet been set by the Court;

WHEREAS, Plaintiffs contend that there is not sufficient time under the current briefing schedule to complete the discovery necessary for class certification, identify all class members, brief a motion for class certification, and complete dissemination of class notice prior to October 1, 2010.

THEREFORE, the parties hereby stipulate that the briefing schedule set forth in Docket No. 95 applies only to Defendants' motions for summary judgment, and does not apply to any motion for summary judgment that Plaintiffs might bring, and that Plaintiffs are not required to file a motion for summary judgment prior to class certification.

14	Dated: July 29, 2010	Ву:	s/Ethan Preston Ethan Preston (263295)
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## Case 3:09-cv-03770-CRB Document 101 Filed 08/02/10 Page 3 of 3 Attorneys for Plaintiffs Dated: July 29, 2010 By: \_\_\_\_\_ David Shraga (229098) Kawahito & Shraga LLP 11845 W. Olympic Blvd. Suite 665 Los Angeles, California 90064 (310) 746-5300 (telephone) (310) 593-2520 (facsimile) david@kawahitoshraga.com Attorneys for Jacob Steinbeck Dated: July 29, 2010 By: \_\_\_\_\_ Matthew R. Orr (202091) Michael S. Orr(196844) CALL & JENSEN 610 Newport Center Drive, Suite 700 Newport Beach, California 92660 (949) 717-3000 (telephone) (949) 717-3100 (facsimile) morr@calljensen.com msorr@calljensen.com Attorneys for Monterey Financial Services, Inc. PURSUANT TO STIPULATION, IT IS SO ORDERED. Dated: August 2, 2010 By: Honorab Charles R. Brever



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